

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 386 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
(No. 1 to 5 - 'NO')

GUJARAT STATE CIVIL SUPPLIES CORPORATION LIMITED

Versus

DARSHAN TRADERS

Appearance:

MR KM PATEL for Petitioners

MR SUBHASH YAGNIK for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 12/08/98

ORAL JUDGEMENT

1. This appeal is directed against the impugned order dated 13/4/1994 passed by the learned 2nd Joint Civil Judge (S.D.), Bhavnagar below application exh.5 in Civil Suit No. 264/93.
2. An interim order which was passed below exh.5 was made absolute till the final disposal of the suit. It appears that the learned trial Judge granted interim

injunction restraining the defendant No.4 from recovering the amount of interest which was alleged to be due and payable to the said defendant. The interim injunction which has been granted by the trial Court apparently could not have been granted since that could have been done only at the time of final hearing of the suit. In that view of the matter and bearing in mind the facts of the case, this appeal is allowed. However, since the suit is of 1993, the trial Court is directed to hear and decide the suit as expeditiously as possible, preferably within a period of six months from the date of receipt of writ of this direction.

This appeal is accordingly allowed with no orders as to costs.

AUGUST 12, 1998 [M.S.PARIKH, J.]

parmar*